## REMARKS

Pending claims are 1-3 and 5. Claim 1 is amended to remove the language objected to under the §112 rejection, and to indicate that in the process of the present invention the milling is conducted simultaneously with drying. No new matter is added by this amendment; support can be found in the specification and the examples, for example at page 12, line 13.

A declaration under Rule 1.132 of Dr. Hartwig Schlesiger is submitted herewith.

Rejection under 35 U.S.C. §112

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, due to the last clause in Claim 1, "...has a bulk density of more than 40 g/l.....". This language has been removed from Claim 1, thus obviating this basis of rejection. Withdrawal of the §112 rejection is respectfully requested.

Double Patent Rejection

Claims 1-3 and 5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-14 of copending Application No. 09/785,905. Applicants file herewith a terminal disclaimer over the copending application to obviate this basis of rejection. Withdrawal of the double patenting rejection is respectfully requested.

Rejections under 35 U.S.C. §102/103

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 102(a) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. 5,387,626 (Bohme-Kovac). Applicants respectfully traverse this rejection.

The present invention is directed to a cellulose ether blend comprising 1) cellulose ether, 2) an additive selected from the group consisting of starch, starch ether, guar, guar ether and xanthan, 3) polyacrylamide, and d) optionally further additives, wherein the cellulose ether blend is prepared by mixing (a), (b), (c) and (d), optionally adding water, and simultaneously milling and drying the cellulose ether blend. As shown in the examples in the application and the comparative data provided in the Declaration of Dr. Schlesiger, the process of the present invention

provides a cellulose ether blend having a markedly higher bulk density, as compared to compositions prepared by conventional methods, in which the milling is not carried out simultaneously with drying. This result was completely unforeseeable, since there is no scientific explanation for why preparing a physical mixture by simply admixing a dry cellulose ether with 0.5 to 2 wt% starch ether and 0.3 wt% polyacrylamide should lead to a significantly increased density.

Böhme-Kovac does not disclose simultaneously milling and drying the composition, and therefore does not anticipate Claim 1, or any claim depending therefrom.

The compositions of the present invention are not the same as, nor obvious in view of, the composition of Böhme-Kovac. Böhme-Kovac does not disclose anything more than simple mixing of ingredients, and therefore the compositions described therein would be expected to have a much lower bulk density than the compositions of the present invention, as evidenced by the comparative data provided in the declaration submitted herewith. There is not the slightest suggestion of how to increase the bulk density in compositions such as that disclosed in Böhme-Kovac, and thus one skilled in the art would have no idea of how to achieve this, absent the hindsight provided by the present invention. Applicants respectfully submit that the product made by the process of the present invention is not obvious in view of Böhme-Kovac.

Claims 1-3 and 5 are rejected under 35 U.S.C. §103(a) as obvious over Kiesewetter et al. (U.S. 6,943,247). Applicants respectfully traverse this rejection. Kiesewetter et al. do not disclose a process of preparing cellulose ethers in which the composition is simultaneously milled and dried, as asserted in the Office Action. See, e.g., Kiesewetter at column 7, lines 23-30, which describes milling followed by drying. The process of Kiesewetter et al. is not identical to the process of the present invention. Thus, the product of Kiesewetter et al. does not have a bulk density approaching the bulk density of the product of the present invention, nor is there any indication in Kiesewetter et al. of how to achieve this. Applicants respectfully submit that the product of the present invention, as recited in Claims 1-3 and 5, is not obvious in view of this reference.

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Böhme-Kovac et al in view of U.S. 2004/0106729 A1 (Girg '729), or U.S. 5,432,215 (Girg '215), or U.S. 2005/0282939 (Weber et al). Applicants respectfully traverse this rejection.

As noted above, Böhme-Kovac et al do not teach the exact process of the present invention, i.e., simultaneously milling and drying the composition. Girg '215 does not teach a composition having any polyacrylamide, and does not disclose the step of simultaneously milling/drying - only simple mixing is described, with drying followed by milling (column 5, lines 19-38). Girg '729 and Weber at al. do not describe a composition containing an additive selected from the group of starch, starch ether, guar, guar ether and xanthan. Thus, none of the references disclose a process that results in a composition having the same ingredients as the composition of the present invention, with the same bulk density, nor is there any teaching anywhere of how to achieve an improvement in this property. The comparative data in the application and declaration establish that this improvement was completely unexpected and surprising, in view of the teachings of the prior art. Applicants submit that the product of the present invention is not obvious in view of Böhme-Kovac et al. as combined with Girg '215, Girg '279 or Weber et al. Withdrawal of this rejection is respectfully requested.

## CONCLUSION

In light of the amendments and preceding remarks, Claims 1-3 and 5 are believed to be in condition for allowance; such action is respectfully requested at an early date.

Respectfully submitted,

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